

# **Committee on Resources**

## **Subcommittee on National Parks & Public Lands**

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### **Witness Statement**

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**STATEMENT OF DEPUTY CHIEF JOHN SCHAMP, COMMANDER, FIELD OFFICE DIVISION, UNITED STATES PARK POLICE, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES CONCERNING H.R. 4404**

**JUNE 8, 2000**

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Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 4404, a bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

We strongly support this legislation with technical amendments made to Section 2. The Administration submitted a proposal to Congress on August 5, 1999, to address the medical expenses issue, and submitted a proposal on April 14, 2000, to allow for waiver and indemnification in mutual law enforcement agreements. Representative Hansen introduced legislation on both of these proposals as H.R. 4404 on May 9, 2000. We appreciate Chairman Hansen's support for this legislation.

Section 1 addresses the payment of medical expenses. In accordance with Title 4 of the District of Columbia Code, the District of Columbia (District) is charged with the responsibility of paying all medical bills for services rendered for United States Park Police (USPP) members who become injured or ill in the performance of their duties. Subsequently, the National Park Service reimburses the District for medical payments on behalf of the USPP. There are presently 153 officers who are subject to medical services being paid for in this manner. Of these officers, 129 are assigned to the Washington, D.C., metropolitan area, 11 to our San Francisco Field Office, 15 to our New York Field Office, 3 to the Federal Law Enforcement Training Center in Brunswick, Georgia, and 6 to the various Park Service field areas.

Fiscal constraints experienced by the District in recent years resulted in untimely payment of these medical expenses. Consequently, some Park Police members have been denied treatment and others have had their credit ratings adversely affected. Other members were forced to pay for medical bills with personal funds in order to receive additional treatment; and then faced long delays in receiving reimbursement.

In recent years, officers have had their unpaid medical bills submitted by multiple vendors to collection agencies. All of this was in despite of the readiness of the Park Service to reimburse the District for these payments.

The District also tightened its procurement controls to require a contract with a medical provider before payments can be made to such providers. Since the Park Police routinely use medical providers other than those with whom the District has contracts, specifically for officers not duty stationed in the greater Washington, D.C., area, this caused problems for medical vendors' bills sent to the District's Finance Office.

We view prompt payment of medical bills to be critical to the operation of the Park Police. We do not want to jeopardize medical services to our members, nor do we want their credit ratings to be marred due to circumstances beyond their control. The present situation is untenable. It compromises the law enforcement capability of the Park Police and places an undue burden on Park Police employees. The language contained in H.R. 4404 would allow the Park Service to make these payments directly to the medical providers.

Section 2 addresses waivers and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law. The language of this section was based on a similar proposal the Administration sent to Congress two years ago. The proposal the Administration sent to Congress in April incorporates a few technical changes to address concerns raised by the Department of Justice. We recommend that the committee adopt those changes, which are attached to this testimony.

H.R. 4404 would amend 16 U.S.C. §1a-6(c) to implement the recommendations contained in a 1991 decision of the Comptroller General. This decision addresses indemnification clauses in memoranda of understandings between the United States Park Police and local law enforcement agencies in Maryland and Virginia. The Comptroller General suggested that congressional approval be obtained for this type of arrangement.

This bill would provide express authority for the United States Park Police to enter into mutual aid agreements with adjacent law enforcement agencies in Maryland and Virginia. Pursuant to statutory authorities, the Park Police have maintained memoranda of understandings with these law enforcement agencies. These agreements specify the circumstances under which these agencies will assist the Park Police. Both Maryland and Virginia laws require that each party must agree to indemnify and hold harmless the assisting agency from all claims by third parties for property damage or personal injury, which may arise out of the assisting agency's activities outside its respective jurisdiction.

The Comptroller General issued a decision on August 16, 1991, which stated that such indemnification clauses violate the Anti-Deficiency Act. The Comptroller General further recognized the importance of such memoranda for effective law enforcement. As such, he did not object to "temporarily entering into revised agreements with the required indemnification clauses" while the Park Service sought congressional approval.

Almost nine years have passed since the Comptroller General's decision. Although the opinions of the Comptroller General are not binding on Executive Branch departments, they often provide useful guidance. Because the Comptroller General's opinion raises questions as to Interior's indemnification authority, it may impede Interior's efforts to maintain intergovernmental cooperation in the policing of national parks.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions you may have.

Proposed Technical Amendments to H.R. 4404

Park Police Medical Expense and Indemnification

- q On page 3, line 5 strike "waive" and insert "mutually waive"
- q On page 3, line 6 after "and (2)" insert "of this subsection or pursuant to subsection (b)(1)"
- q On page 3, line 8 strike "all claims" and insert "all civil claims"
- q On page 3, line 13 and 14 strike "State or political subdivision's activities" and insert "parties' activities"
- q On page 3, line 18 strike "section 201" and insert "2(a)(2)"

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